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Official Report of Debates (Hansard)

Monday 17 October 2016

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Lundi 17 octobre 2016

Standing Committee on Justice Policy

Ontario Rebate for Electricity
Consumers Act, 2016

Comité permanent de la justice

Loi de 2016 sur la remise
de l'Ontario pour
les consommateurs d'électricité

Chair: Shafiq Qaadri
Clerk: Christopher Tyrell

Président : Shafiq Qaadri
Greffier : Christopher Tyrell

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
JUSTICE POLICYCOMITÉ PERMANENT
DE LA JUSTICE

Monday 17 October 2016

Lundi 17 octobre 2016

The committee met at 1402 in committee room 1.

The Clerk of the Committee (Mr. Christopher Tyrell): Good afternoon, honourable members. It is my duty to call upon you to elect an Acting Chair. Are there any nominations? Ms. Hoggarth.

Ms. Ann Hoggarth: I'd like to nominate MPP Vernile.

The Clerk of the Committee (Mr. Christopher Tyrell): Are there any further nominations?

Mr. Peter Tabuns: Sorry, nominate—

The Clerk of the Committee (Mr. Christopher Tyrell): Acting Chair.

Ms. Ann Hoggarth: Daiene Vernile, I said. MPP Vernile.

The Clerk of the Committee (Mr. Christopher Tyrell): No further nominations? There being no further nominations, I declare the nominations closed and Ms. Vernile elected Acting Chair of the committee.

Ms. Daiene Vernile: I accept. Thank you.

Mr. John Yakabuski: Oh, but now you can't support my amendment.

Interjections.

Ms. Ann Hoggarth: Oh, here he is.

ONTARIO REBATE FOR ELECTRICITY
CONSUMERS ACT, 2016LOI DE 2016 SUR LA REMISE
DE L'ONTARIO POUR
LES CONSOMMATEURS D'ÉLECTRICITÉ

Consideration of the following bill:

Bill 13, An Act in respect of the cost of electricity /
Projet de loi 13, Loi concernant le coût de l'électricité.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. We will continue now with our clause-by-clause consideration of Bill 13.

Mr. Tabuns, I believe you have the first motion from the NDP. The floor is yours.

Mr. Peter Tabuns: I move that the bill be amended by adding the following section:

"Purpose

"0.1 The purpose of this act is to provide financial assistance in respect of electricity costs."

Chair, I believe we should be explicit in the function of this bill. Typically, we do have a purpose noted in bills. This is the one that should be applied to this bill.

The Chair (Mr. Shafiq Qaadri): Thank you. Are there any comments, questions, queries with regard to this before we proceed to the vote?

Yes, Mr. Delaney.

Mr. Bob Delaney: I'm not sure that this proposed new section is necessary. The purpose of the act is in fact already evident from the provisions of the bill. While I appreciate the spirit in which the amendment has been offered, it just doesn't add anything to the interpretation of the act's provisions.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. Any further comments before we proceed to consider this motion?

Mr. Peter Tabuns: Just a recorded vote when we have a vote.

The Chair (Mr. Shafiq Qaadri): A recorded vote? That's fine. We'll proceed to the recorded vote.

Ayes

Hardeman, Tabuns, Yakabuski.

Nays

Colle, Delaney, Hoggarth, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion 1 falls.
Interjection: It's lost.

The Chair (Mr. Shafiq Qaadri): May it be the will of the committee that sections 1 and 2 be considered en masse? We have not received any amendments, I understand, to date.

Those in favour of sections 1 and 2? Those opposed? Sections 1 and 2 carry.

We now proceed to section 3, NDP motion number 2. Mr. Tabuns, the floor is yours.

Mr. Peter Tabuns: I move that clause 3(2)(c) of the bill be struck out.

Mr. Chair, if this is left in, then it's possible for the government to effectively repeal the financial support for electricity ratepayers without actually bringing it back to the Legislature for a decision. This puts an awful lot of power in the regulations, and, frankly, power that I don't think should be there.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns. Any comments on NDP motion 2? Mr. Delaney.

Mr. Bob Delaney: The proposed motion, as I think was accurately stated, would strike the clause that pro-

vides the government with the authority to prescribe in regulation that a consumer is not entitled to receive financial assistance.

Chair, the government recommends voting against this motion because the legislation currently provides financial assistance to RPP-eligible consumers and other eligible consumers, as defined in the legislation and also in other statutes and regulations such as the Ontario Energy Board Act. As these definitions could change over time, the government does require the flexibility to be able to align the program eligibility, as it may need, in changing circumstances, to ensure that eligible consumers continue to receive the rebate. The motion before the floor would prevent the government from being able to be responsive to circumstances that may change in the future.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 2? Mr. Hardeman.

Mr. Ernie Hardeman: In the comments from the government side suggesting that the government needed the ability to regulate who was going to be eligible for the rebate that this bill was introduced to create—if that's what it's doing, could the parliamentary assistant or the government side explain as to why the government would need to suggest who should and who shouldn't get it? And would it be possible for the government to go through all this, get the PR that they were hoping to get out of it, and then turn around and eliminate everybody's ability to get it?

The Chair (Mr. Shafiq Qaadri): Mr. Delaney?

Mr. Bob Delaney: Certainly—

Interjection.

Mr. Bob Delaney: Sorry. Was there anything else that you wanted to ask?

Mr. Ernie Hardeman: The question was to the government side, Mr. Chair.

The Chair (Mr. Shafiq Qaadri): Who has the floor? Who would like it?

Mr. John Yakabuski: I have no idea.

The Chair (Mr. Shafiq Qaadri): Mr. Yakabuski and/or Mr. Delaney.

Mr. John Yakabuski: Yes. My concerns are similar to Mr. Hardeman's. I mean, it's one thing to describe who's getting it, which—in the throne speech, everybody was getting it. If you have limitations or positions as to who is not going to get it, then that should be clearly defined. This leaves this wide open for interpretation sometime down the road as to who could be deemed ineligible for the rebate.

Our understanding, in all of the literature and all of the speeches that the Premier and the Minister of Energy went around the province making, telling us about how great this was—this is the new wheel; this is sliced bread all over again; this was just an amazing thing—was that every, every consumer was eligible for this. So if they've got limitations, I think they should be spelled out in the legislation and not left to be done by regulation, post passing of the bill.

The Chair (Mr. Shafiq Qaadri): Mr. Delaney.

Mr. Bob Delaney: I draw my colleague's attention to subsection 3(1), which refers to having an “eligible account.” Under subsection 1(1), “eligible account” includes accounts for residences, farms and small businesses representing roughly five million customers across the province. Section—

Mr. John Yakabuski: Where are you seeing this, Mr. Delaney?

Mr. Bob Delaney: If you look under subsection 3(1) and subsection 1(1)—

Mr. John Yakabuski: In section what?

Mr. Bob Delaney: —of the bill.

Subsection 1(1) also provides authority to make regulations that could expand the rebate to additional consumers in circumstances by identifying others who may issue eligible accounts; in other words, perhaps, independent power authorities.

So rather than restricting the flexibility, this ensures that the flexibility and the responsiveness of the act is in fact enhanced.

Mr. John Yakabuski: Except that it's on the opposite end. It's not about enhancing it or extending the rebate to others. It's about deeming some ineligible for the rebate.

Interjection.

Mr. John Yakabuski: Sorry.

Anyway, that's our view.

Mr. Bob Delaney: Okay. I guess the last thing I just want to point out is that the regulation-making authority in section 3(2) is intended to ensure that the government can address any unintended consequences of an inclusive rebate.

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 2?

Mr. Bob Delaney: No.

The Chair (Mr. Shafiq Qaadri): Seeing none, we'll proceed—

Mr. Peter Tabuns: Just a recorded vote.

The Chair (Mr. Shafiq Qaadri): Recorded vote.

Ayes

Scott, Tabuns, Yakabuski.

Nays

Colle, Delaney, Hoggarth, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion 2 falls and/or is lost.

Shall section 3 carry? Carried.

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We now move to section 4. There's an NDP notice. Mr. Tabuns, the floor is yours for the NDP notice.

Mr. Peter Tabuns: Thank you. The New Democratic Party recommends voting against section 4. Section 4 requires that every electricity vendor who issues an invoice for a billing period to a consumer in respect of an eligible account shall show on the invoice a credit equal to the amount of the financial assistance provided to the

consumer for the billing period, and that amount of the invoice after the credit.

This is just advertising, Chair. We went through this with the OEB ruling on gas bills. The cap-and-trade amount wasn't allowed to be put on the gas bills. Now the very generous, as one might characterize it, gift from the government—I'm surprised that it doesn't provide for a picture of the Premier to be on the bill. But this is just advertising and should be cut out.

The Chair (Mr. Shafiq Qaadri): Okay. So just to be clear, this is an NDP notice for our collective edification and enrichment. It is not a motion to be voted on or voted against, but it's just there as a notice. Having said that, are there any further comments? Yes, Mr. Yakabuski?

Mr. John Yakabuski: I certainly share the view of my colleague from Toronto—Danforth. We saw this attempt to cloud the issues with the gas bills and the cap-and-trade costs not being shown on the gas bills. Here, we have the opposite, where they have a good-news story and they want to make sure it's very well highlighted on the bills.

You can't have it both ways, folks. You can't take the cap-and-trade off the gas bills and say, "We can't have a separate line item for that, because we don't like the connotation it has in the minds of consumers," but in this case, "Well, we want to make sure that that 8% is highlighted."

Probably if you open them, the bills are going to be like one of those musical Christmas cards. You open it up and it's going to play a song: "Here's your 8%," or something. This is what you're kind of doing with this. It's PR; it's government propaganda at the lowest form. It shouldn't be allowed on any bill, let alone your electricity bill, which, even with the 8% rebate, is so unjustifiably high that it has got more people upset than even before.

You actually highlighted, by bringing out this legislation, which of course we support, because we support any opportunity for the consumers to benefit under your hydro regime—you've actually drawn more attention to how bad your hydro policy is by bringing out this legislation, because more people are actually paying attention than ever before. Now you're going to make sure that on the bill, when they get it—"Here it is. This is the Liberal government's gift to you. Send thank you cards to the Premier's office."

The Chair (Mr. Shafiq Qaadri): Thank you. Mr. Delaney.

Mr. Bob Delaney: Chair, if we have reached a policy decision that some of a hydro bill will be paid by the taxpayer as well as the ratepayer, this measure is the one that enables consumers to verify that they're actually getting the full rebate to which they're entitled. It also ensures that consumers know exactly the amount of financial assistance they're receiving, as well as the net amount of the invoice after the credit. It is in fact openness and transparency.

The Chair (Mr. Shafiq Qaadri): Thank you. Any further comments before we move to section 4?

Mr. John Yakabuski: I think it's fairly dismissive of—

The Chair (Mr. Shafiq Qaadri): Mr. Yakabuski.

Mr. John Yakabuski: Sorry. Thank you for recognizing me, Chair.

The Chair (Mr. Shafiq Qaadri): I'm honoured.

Mr. John Yakabuski: It's somewhat dismissive that you think the consumers of Ontario can't do the math themselves. They know exactly what they're getting; they know exactly what they're paying. They don't need a Liberal reminder to tell them what a gift it was, not like this 10% energy benefit you used to get on the bills, which was disgusting as well: "You saved X number of dollars by the 10% energy benefit," or now, "You saved X number of dollars because the debt retirement charge has been removed from your bill." The debt retirement charge is not part of your bill anymore, as a consumer, yet you people are still putting on the bills that "we've saved you this money." It's such terrible, unethical propaganda that it's unbelievable.

Mr. Bob Delaney: Let's call the question.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Yakabuski. As always, we appreciate your colourful language.

Mr. John Yakabuski: I'm sure you do.

The Chair (Mr. Shafiq Qaadri): Mr. Tabuns.

Mr. Peter Tabuns: Just as a request, Chair, when we get to vote on number 4, I'd like it to be recorded.

The Chair (Mr. Shafiq Qaadri): Fair enough. Has that time come? May we proceed to the vote? Section 4, without the NDP notice—we're not voting on that: Shall it carry? Recorded vote.

Ayes

Colle, Delaney, Hoggarth, Potts, Vernile.

Nays

Scott, Tabuns, Yakabuski.

The Chair (Mr. Shafiq Qaadri): Section 4 is carried. We have no amendments, as I understand it, for section 5.

Ms. Ann Hoggarth: Chair?

The Chair (Mr. Shafiq Qaadri): Yes, Ms. Hoggarth?

Ms. Ann Hoggarth: Could we bundle these?

The Chair (Mr. Shafiq Qaadri): You are prematurely bundling, but yes.

Ms. Ann Hoggarth: Okay. When we get to section 6.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Hoggarth.

Are there any comments on section 5? We'll proceed, then, to the vote. Shall section 5 carry? Carried.

We now move to NDP motion 3, which would require a new section, 5.1, to be created. Mr. Tabuns, you have the floor.

Mr. Peter Tabuns: I move that the bill be amended by adding the following section:

“Duty to consult First Nations

“5.1(1) The minister shall identify the First Nations that have unlicensed distributors who own or operate distribution systems on their reserves and shall consult with those First Nations and the unlicensed distributors to determine whether the unlicensed distributors are willing to enter into an agreement with the minister to provide the financial assistance provided for in this act.

“Results of consultation

“(2) The minister shall publish the results of the consultation within six months after this act receives royal assent.”

This is meant, Chair, to ensure that distribution that is operated by First Nations will be included if the First Nations in question are agreeable, and that they should be consulted.

The Chair (Mr. Shafiq Qaadri): Any comments on NDP motion 3? Mr. Delaney and/or Mr. Potts.

Mr. Bob Delaney: The government will recommend voting against this motion. Indeed, the ministry and the government consult consistently and extensively with First Nations. The ministry has existing agreements with a number of unlicensed distributors, known as independent power authorities. These agreements, in fact, were used to provide their eligible customers with the Ontario Clean Energy Benefit. It's through these agreements that the government can establish a process to allow those consumers to receive the financial assistance provided for in the act. Provisions in the act ensure that the Lieutenant Governor in Council has this ability. Consequently, there's no need for this section to ensure that First Nation customers receive the rebate.

The Chair (Mr. Shafiq Qaadri): Mr. Potts?

Mr. Arthur Potts: Yes, Chair; thank you. I think you'll find that Hansard will show that the member said “an agreement” as opposed to “an arrangement,” which is in the amendment that has been tabled, so you might want to correct that record.

The Chair (Mr. Shafiq Qaadri): Mr. Potts, are you correcting the English on this?

Mr. Arthur Potts: Well, no, not the English. The written motion before us has “enter into an arrangement,” and the member said “enter into an agreement.”

Mr. Peter Tabuns: I appreciate that being pointed out. I would like to make sure that the record shows “enter into an arrangement with the minister.”

The Chair (Mr. Shafiq Qaadri): Any further comments before we proceed to vote on NDP motion 3? Mr. Yakabuski?

Mr. John Yakabuski: Yes. I actually share the view of the government on this one. The legislation does provide, currently, that all residents, including those on First Nations, would be eligible for this rebate, so I do believe that the amendment is redundant.

The Chair (Mr. Shafiq Qaadri): It's a recorded vote.

Ayes

Tabuns.

Nays

Colle, Delaney, Hoggarth, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion 3 falls.

Now, due to popular request, we will, with the will of committee, bundle sections 6 to and inclusive of section 14. As we've received no amendments or motions so far, may we then consider sections 6 to 14 en bloc? Yes.

Those in favour of sections 6 to 14? Those opposed? Sections 6 to 14 are now carried.

Section 15, NDP motion 4: Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 15(2) of the bill be struck out.

The section in question allows the Minister of Energy to make regulations “prescribing information that must or may be included on invoices issued to consumers or that must or may accompany invoices issued to consumers or payments of financial assistance under this act.”

Again, I am very concerned that this will be a problem in terms of the government advertising itself.

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The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns.

Are there any further comments on NDP motion 4? Mr. Yakabuski?

Mr. John Yakabuski: Totally—I could just replay the tape, but I think we have to do it actually live. This is not Memorex; this is live.

The same thing: Again, building into a bill the ability for the government to self-promote is just wrong. We've had these discussions so many times. The auditor has been removed from even the ability to control government advertising, but here they are again. They're prescribing in law that “The minister ... may make regulations ... prescribing information that must or may be included on invoices issued to consumers.”

Could we have it any more clear that the Liberal plan is to go around the province, or do some advertising plan like the school ones we see—you can't turn on the television without seeing the school ads. It's just unbelievable, how much money they must be wasting on that. It just boggles my mind. Here, we now want to entrench into law the ability for the minister to do exactly that. This kind of stuff has to stop.

I say to the people over there, support this amendment and stand up for what is right.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Yakabuski.

Mr. Delaney.

Mr. Bob Delaney: It is common that measures such as this are included on bills in the interests of transparency. The Ontario Clean Energy Benefit and the debt retirement charge both appeared as separate line items on invoices. Both will be gone. The Ontario Electricity Support Program payments also appear as a separate line item.

Subsection 15(2) provides the minister with the necessary authority to issue the regulations, ensuring that the

financial assistance under this act appears on the invoice to inform consumers.

The Chair (Mr. Shafiq Qaadri): Mr. Yakabuski.

Mr. John Yakabuski: You're a wonderful soldier, Mr. Delaney, to come out and spew that stuff on behalf of the ministry, on behalf of your government, when we all know what is really the plan here, and that is what is regrettable. I understand. I recognize that we're going to lose this vote, because I can count, just like those people can count on their electricity bills how much more they're paying than they used to pay. They understand that. They understand those numbers. They can add it up. I can add up five versus three. We're going to lose this vote, so I'm not going to prolong it any longer. But it galls me—it really does—to think that this is the way that this government operates when it comes to propagandizing the electricity bill.

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 4? Mr. Tabuns.

Mr. Peter Tabuns: I would like the vote to be recorded when we get to this section.

The Chair (Mr. Shafiq Qaadri): Fair enough. NDP motion 4, recorded vote.

Ayes

Scott, Tabuns, Yakabuski.

Nays

Colle, Delaney, Hoggarth, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion 4 falls.

We'll now bundle, by popular request, sections 16 to 18, if that's the will of the committee. Those in favour of sections 16—

Mr. Peter Tabuns: Mr. Chair, you have to have a vote on 15 before—

The Chair (Mr. Shafiq Qaadri): Oh, I'm sorry.

Shall section 15 carry? Carried.

Shall sections 16, 17 and 18 carry? Carried.

Section 19: Mr. Yakabuski.

Mr. John Yakabuski: Yes, we have an amendment, and I already have an indication that there could be some support from the government side—just saying.

I move that section 19 of the bill be struck out and the following substituted:

“Short title

“19. The short title of this act is the Raymond Cho MPP Hydro Benefit Act, 2016.”

The Chair (Mr. Shafiq Qaadri): Further comments, Mr. Yakabuski?

Mr. John Yakabuski: Yes. Everyone knows who watched the by-election in Scarborough–Rouge River—anybody who was out there campaigning knows that this issue, hydro, was the biggest issue at the door. People repeated over and over and over again that they could not handle or manage their hydro bills—and the increases

that the Liberal government had foisted upon them—any longer.

When the government, which, by the way—you may not be aware of this, Chair, but they'd never lost an election in Scarborough–Rouge River since the riding was constituted. They never lost an election in Scarborough–Rouge River since the riding came into being. So it was a stark message for the governing Liberals that they received on polling day in Scarborough–Rouge River. It was only shortly after that that the government came out with a throne speech and that the 8% rebate was announced as a cornerstone policy in the throne speech.

We think it's only fitting that we give credit where credit is due. It was the election of Raymond Cho in Scarborough–Rouge River that led to this policy. Only days before, the energy minister had been talking about how energy prices were not a problem and that everything was just hunky-dory. Yet there's nothing like a by-election loss to open the eyes and get the cabinet talking, and that's what happened after the by-election in Scarborough–Rouge River. Consequently, we feel that it's a legitimate amendment to rename the act the Raymond Cho—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Yakabuski. Perhaps we'll take this moment to just recognize, of course, the more than two decades of service of the former MPP for Scarborough–Rouge River, the honourable Bas Balkissoon, both as MPP as well as councillor.

Are there any further comments? Mr. Delaney.

Mr. Bob Delaney: Admitting that the proposed amendment is, in fact, probably rather benign, it is certainly no more or less appropriate than naming the act after the current minister. As the act is intended to transcend the career of any particular member in the assembly, I think what we should do here is to simply follow the standard convention for short titles, which is a simple and accurate description of the act. I think that this convention should be retained. So I regret to inform my good friend that, for reasons purely of maintaining convention, the government won't be supporting this one. I do hope that Mr. Cho will not take it personally.

Mr. John Yakabuski: I appreciate that there has been a change of tune over on the government side. I did think there was some support.

Having said that, I thought that there was already an act that was going to be named after the new energy minister, and that was called the “Sudbury by-election scandal act.” I thought that it was the “Sudbury by-election scandal act” that going to be named—

The Chair (Mr. Shafiq Qaadri): I think that's for a different committee, like government agencies or private bills, Mr. Yakabuski.

Mr. John Yakabuski: Oh, okay. A different committee.

Mr. Shafiq Qaadri: Shall we move now to consider PC motion 5? Would you like a recorded vote on this, Mr. Yakabuski?

Mr. John Yakabuski: Sure.

The Chair (Mr. Shafiq Qaadri): Recorded vote.

Ayes

Scott, Yakabuski.

Nays

Colle, Delaney, Hoggarth, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): PC motion 5 falls.

Shall section 19 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 13 carry? Carried.

Shall I report the bill to the House? Carried.

Colleagues, I thank you for this continued experience.

The committee is adjourned.

The committee adjourned at 1428.

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